



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

DAVID W. CUCCIA

PHA 23,280A

Serial No. 09/882,080

Group Art Unit: 2614

Filed: June 15, 2001

Examiner: Brian P. Yenke

Title: INSTANT REPLAY OF DIGITAL VIDEO OPTIMIZED USING NON
MPEG FRAME TAGS

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Technology Center 2600

DECLARATION OF Russell Gross
UNDER 1156 O.G. 53

Sir:

I, the undersigned Russell Gross, declare and say
that:

1. I am a patent attorney for Philips Electronics
North America Corporation. I am the attorney who is primarily
responsible for prosecution of the subject patent application
and is listed on the originally filed Power of Attorney form,
which was filed on June 11, 2001.

2. I received a Notice of Abandonment dated
September 24, 2003, indicating that the Patent and Trademark
Office considers the subject application to have been abandoned
by Applicant's failure to respond to the Office Action dated
December 3, 2002.

3. The Office Action was not received by Applicant.
To attest to this fact, I have personally searched the file

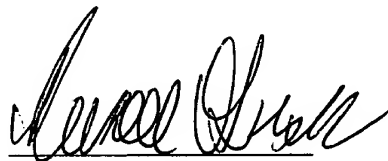
jacket of the subject application and found no record of any such Office Action.

4. Accordingly, after a personal search of the file jacket and reviewing the pertinent records, including the Declaration of Terese Conboy and the docket records, I conclude that the Office Action was never received by our office.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statement and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title XVIII of United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Dated

10/28/03



Russell Gross
Reg. No. 40,007



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DECLARATION OF TERESE P. CONBOY
UNDER 1156 O.G. 53

Sir:

I, the undersigned TERESE P. CONBOY, declare and say
that:

1. I am the Docketing Manager for Philips Electronics North America Corporation. My responsibilities include docketing the receipt of documents from the Patent and Trademark Office, maintaining records of such documents and periods for response thereunder. All communications from the Patent and Trademark Office are directed to me immediately upon receipt within the company.

2. I maintain a computerized Attorney Master Docket in which is recorded the due date for responding to Office Actions and Communications received from the Patent and Trademark Office. I would have recorded the due date for an

Amendment related to an Office Action in our Attorney Master Docket. A copy of a computer printout of the Master Docket for U.S. application number 09/288,581 (attorney docket number PHA 22,280A) is attached hereto. The Master Docket printout shows that no Amendment is due in the subject application.

3. Accordingly, from a review of all of the above-referenced records, it is my belief that the company did not receive the Office Action mailed on December 3, 2002.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this Application or any patent issued thereon.

Date: 28.OCT.2003

Terese P. Conboy
Terese P. Conboy

T00A UPDATE

Time Limits

08AUG 03

PE nr : A 029280 PE basic appl: GROS GROSS, R.
Country : US UNITED STATES OF AMERICA PE group : 5 IP&S-US
Suffix : A . CONTINUATION WAC : 4 09JAN2002
AP/LP : N PE IP&S-US : GROS GROSS, R.
Applic. : USPC Filing : 09/882080 15JUN2001
Status : 60 APPLICATION FILED DEFINIT Laid open : 2002-0051621-A1 02MAY2002
St date : 27JUN2001 Publicat. :
Grant :
USPTO confirmation nr :
Deadline
Off.Action Advice date
Note Ind(U/F) Receive date Mailing date Outsourced
03JAN2003 03OCT2002 03JUL2002 04SEP2002
AMEND GROS N
04JUN2003 04JUN2003 04SEP2002 N
STATUS LTR

